

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 909  
H.D. 2  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 909, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Family Court to:

- (1) Issue financial restraining orders during annulment, divorce, or separation proceedings; and
- (2) Consider the unauthorized dissipation of marital assets when ordering payment of attorney's fees pursuant to a child custody, support, or maintenance order.

Your Committee received testimony in support of this measure from the Family Law Section of the Hawaii State Bar Association and eight individuals.

Your Committee finds that some parties in divorce cases engage in the improper dissipation of marital assets during the pendency of their cases and that although these actions are prohibited, there is currently no requirement for the Family Court to issue a financial restraining order to ensure that improper actions are not taken. Your Committee further finds that any unauthorized dissipation of marital assets should be considered by the Family Court when ordering payment of attorney's fees pursuant



to a child custody, support, or maintenance order. This measure will deter parties in divorce cases from improperly dissipating their marital assets prior to the divorce decree and will lead to a more just and equitable division of assets.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 909, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 909, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

*Suzanne Chun Oakland*  
SUZANNE CHUN OAKLAND, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <i>HB909, HD2</i>	Committee Referral: <i>HMS, JDL</i>	Date: <i>3/18/11</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<i>3</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>J. L. M.</i></div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes